

## REMARKS

By this amendment, Applicants make minor amendments to claims 25, 26, 32, and 35 to make these claims proper under US form and now add new claims 49-52 which reflects the subject matter originally in these amended claims. Claims 25-52 are now pending in the present application, with Claims 36-48 being withdrawn at present. For reasons as set forth herein, Applicants respectfully submit that all pending claims have been placed in condition for immediate allowance.

### 35 U.S.C. § 112 Rejections

In the Official Action, the Examiner had made minor objections to some of the wording of the claims, and by amendments to Claims 25, 26, 32 and 35, these objections have now been overcome. Regarding claim 25, the phrase "link with the remainder of the molecule" means that the perfluoromethylene group carried by Rf is directly attached to one of the two carbons engaged in the double bond of the compound of formula (I) as illustrated by the examples. Accordingly, Applicants respectfully submit that these claims are now clearly defined and thus overcome any objection under Section 112.

### Double Patenting Objection

In the Official Action, the Examiner objected to Claims 25-35 on the basis of double patenting with claims 1, 4-6, 8-14, and 17 of U.S. Patent Application Serial No.

10/740,802. However, without addressing the merits of the Examiner's arguments, Applicants are in the process of amending that application to remove the claims allegedly overlapping with the present claims. Applicants respectfully submit that the cancellation of the product claims from the co-pending application will overcome the Examiner's objection.

### 35 U.S.C. § 103 Rejections

The Examiner rejected claims 25-35 as being obvious over Lewis et al. (*Journal of the American Chemical Society*, 1968, 662-668). This rejection, insofar as applied to the claims as amended, is respectfully traversed. In particular, Lewis et al. describes the effect of substituents X in rearrangement of crotyl esters of formula  $R_1R_2C=CR_3CR_4R_5OCOX$ . Specifically, Table I discloses compounds of the above formula wherein:

- (V)  $R_2, R_3, R_4, R_5 = H; R_1 = CF_3$  AND  $X=CF_3$
- (VI)  $R_1, R_3, R_4, R_5 = H; R_2 = CF_3$  AND  $X = CF_3$ .

However, the compound according to formula (I),  $CF_3HC = CHCH_2OCOCH_3$ , as disclosed in the present application differs from compound (V) and (VI) by having a methyl group as a substituent for X instead of a trifluoromethyl. Table I does illustrate various compounds wherein the substituent for X is a methyl group, but differing from the other compounds by other substituents.

The Examiner maintains that it would have been obvious to use a methyl group as a substituent for X because Lewis et al. teaches that acetate compounds are more stable than a trifluoromethyl group. Applicants respectfully disagree with this assertion.

In fact, Lewis et al. teaches away from the present invention and is limited to a very specific set of conditions. Lewis et al., published in 1968, is a very old paper that reports the influence of some substituents on the reaction rate of ester rearrangement reactions such as Cope and Claisen rearrangements in the gas phase. The rearrangement reactions such as Cope and Claisen rearrangements are, as a matter of fact, classical reactions in organic chemistry synthesis. (see chapter 18, "Rearrangements", March's Advanced Organic Chemistry, 5th Ed. 2001). However, the paper is silent with regard to other applications of crotyl esters. It can therefore be concluded that the esters are intended to undergo such rearrangement reactions. Accordingly, Lewis et al. has to be interpreted as prompting the skilled person to prepare compounds that are likely to undergo rearrangements.

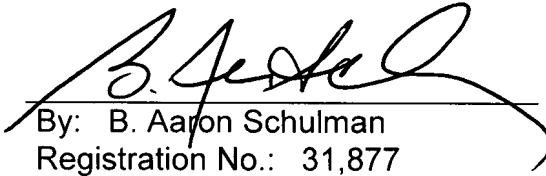
Lewis et al. teaches that a crotyl ester wherein the substituent for X is a trifluoromethyl group are more likely to undergo rearrangement than corresponding compounds wherein the substituent for X is a methyl group, in specific conditions (gas form at 325°C). (see right column of p. 664). Lewis et al. thus could not prompt the skilled person to prepare acetate compounds. Further, it should be noted that the conditions studied in Lewis et al. are not used in the cyclization reactions used in the present application (reaction at reflux) (see examples 5 and 7 of the present application). Thus, Lewis et al. would not have motivated the skilled person to prepare compounds wherein the substituent for X is a methyl group because its teaching is not relevant with regard to providing compounds to be used as precursors for nitrogenous heterocycles.

Therefore, Applicants respectfully submits that amended claims 25 as well as claims 26-35 which depend from claim 25 are not obvious over Lewis et al., and that the Examiner's rejection on the basis of this reference is respectfully traversed.

In light of the foregoing amendments and arguments, Applicants submit that the present application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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